

31A-31-105. Immunity.

(1) (a) A person, insurer, or authorized agency is immune from civil action, civil penalty, or damages when in good faith that person, insurer, or authorized agency:

- (i) cooperates with an agency described in Subsection (1)(b);
- (ii) furnishes evidence to an agency described in Subsection (1)(b);
- (iii) provides information regarding a suspected fraudulent insurance act to an agency described in Subsection (1)(b);
- (iv) receives information regarding a suspected fraudulent insurance act from an agency described in Subsection (1)(b); or
- (v) submits a required report to the department under Section 31A-31-110.

(b) An agency referred to in Subsection (1)(a) is one or more of the following:

- (i) the department or a division of the department;
 - (ii) a federal, state, or government agency established to detect and prevent insurance fraud;
 - (iii) a nonprofit organization established to detect and prevent insurance fraud;
- or

(iv) an agent, employee, or designee of an agency listed in this Subsection (1)(b).

(2) An insurer, or person employed by an insurer, is immune from civil action, civil penalty, or damages when in good faith the insurer or person employed by an insurer provides or shares information with another insurer or insurer's employee in a good faith effort to discover or prevent a fraudulent insurance act or other criminal conduct.

(3) A person, insurer, or authorized agency is immune from civil action, civil penalty, or damages if that person, insurer, or authorized agency complies in good faith with a court order to provide evidence or testimony requested by an agency described in Subsection (1)(b).

(4) This section does not abrogate or modify a common law or statutory right, privilege, or immunity enjoyed by a person.

(5) Notwithstanding any other provision in this section, a person, insurer, or service provider is not immune from civil action, civil penalty or damages under this section if that person commits the fraudulent insurance act that is the subject of the information.

Amended by Chapter 253, 2012 General Session